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JASON AND AMY MUNOZ

12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

14 JASON MUNOZ, individually; AMY

15 MUNOZ, individually,

Plaintiff,

16 vs.

17 ELEVATOR SERVICE COMPANY

18 OF CENTRAL CALIFORNIA, INC.

19 Defendants.

Case No. C13-02374 RMW

**□ COURT ORDER TO
THE NAVY**

20 **ORDER**

21
22 The above-captioned case is pending in the United States District Court, Northern
23 District of California, San Jose Division.

24 Plaintiff JASON MUNOZ claims to have been injured by an elevator malfunction
25 on or about January 17, 2013 at the premises known as the Naval Postgraduate School, in
26 Monterey, California, more specifically, at or near Building 305 (Glasgow Hall East).

27 JASON MUNOZ is or was an employee of the Naval Postgraduate School.

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1 TO THE DEPARTMENT OF NAVY, the NAVAL POSTGRADUATE
2 SCHOOL, and/or NAVFAC: Pursuant to 5 U.S.C. § 552a(b)(11) (release under the order
3 of a court of competent jurisdiction), the following is a court-order signed by the judge
4 who has cognizance over the case to obtain the release of the records.

5 ***

6 The DEPARTMENT OF NAVY and/or NAVAL POSTGRADUATE SCHOOL,
7 and/or NAVFAC SHALL:

- 8 1. Produce any and all documents pertaining to JASON MUNOZ regarding his
9 employment, including, but not limited to, job applications, discipline records,
10 performance reviews, earnings records, injury claims, workers' compensation
11 claims, hiring and termination documents, customer complaints, supervisory
12 complaints, co-worker complaints, and any safety training, work rules, work
13 policies, and work procedures regarding general workplace safety. The
14 documents are to be produced within 30 days of service of this Order, unless
15 otherwise agreed to by the Goodman Neuman Hamilton LLP.
- 16 2. Produce any and all documents pertaining to the incident wherein JASON
17 MUNOZ claims to have been injured in an elevator on January 17, 2013 at or
18 near Building 305 (Glasgow Hall East) of the Naval Postgraduate School,
19 located at University Circle, Monterey, California. The documents are to be
20 produced within 30 days of service of this Order, unless otherwise agreed to by
21 the Goodman Neuman Hamilton LLP
- 22 3. Produce any and all documents pertaining to power outages or fluctuations at
23 the Naval Postgraduate School in Monterey, California, for the time period of
24 January 1, 2003 through the present. The documents are to be produced within
25 30 days of service of this Order, unless otherwise agreed to by the Goodman
26 Neuman Hamilton LLP
- 27 4. Produce (make available) the elevator at issue to the parties and their experts
28 for non-destructive testing and inspection at the joint convenience of the

Parties and Naval Postgraduate School, but any event, within 90 days.

5. Depositions of Department of Navy, Naval Postgraduate School, and/or NAVFAC personnel with knowledge of the issues and documents sought by numbers 1 through 4 above are to be arranged at the convenience of the Parties and the Naval Postgraduate School, but any event, shall occur by April 30, 2014. It is understood that Department of Navy personnel cannot provide opinion or expert testimony concerning official Department of Defense information except by written special authorization from the Office of the Judge Advocate General of the Navy. It is understood that the United States reserves the right to have a representative present at the deposition or attending telephonically.

6. All process for this ORDER and subsequent orders shall be served via certified mail or overnight delivery (Federal Express or UPS) upon the:

General Counsel of the Navy
Navy Litigation Office
720 Kennon Street SE,
Bldg 36 Room 233
Washington Navy Yard, DC 20374-5013

IT IS SO ORDERED.

DATED: FCF, 2013

By: Ronald M. Whyte
HON. RONALD M. WHYTE
United States District Court Judge